

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**MELISSA BRINKER,**  
**Plaintiff,**

**v.**

**ANDREW SAUL<sup>1</sup>,**  
**COMMISSIONER OF SOCIAL**  
**SECURITY,**  
**Defendant.**

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**Case No. 6:18-cv-00359-RAW-KEW**

**ORDER**

Upon consideration of the Stipulated Motion for Award of Attorney Fees Under the Equal Access to Justice Act (EAJA), the Court hereby awards Plaintiff \$4,500.00 in attorney fees under the EAJA, 28 U.S.C. § 2412.

**IT IS SO ORDERED** that the Stipulated Motion for Award of Attorney Fees (Docket #20) is hereby **GRANTED**. Plaintiff is awarded EAJA attorney fees in the amount of \$4,500.00 as the prevailing party herein. In accordance with decisions from the United States Supreme Court and Tenth Circuit Court of Appeals, the award of attorney fees must be made payable to Plaintiff as the prevailing party. *See Astrue v. Ratliff*, 560 U.S. 586, 595-98 (2010); *Manning v. Astrue*, 510 F.3d 1246, 1255 (10th Cir. 2007), cert. denied, 129 S. Ct. 486 (2008); *Brown v. Astrue*, 271 F. App'x 741, 743-44 (10th Cir.

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<sup>1</sup> Andrew Saul is now the Commissioner of Social Security and is automatically substituted as a party pursuant to Federal Rule of Civil Procedure 25(d). Section 205(g) of the Social Security Act states that an action survives regardless of any change in the person occupying the office of Commissioner of Social Security. 42 U.S.C. § 405(g).

2008) (unpublished). If Plaintiff's counsel is subsequently awarded any fees pursuant to 42 U.S.C. § 406(b), he shall refund the lesser award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.3d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 11th day of June, 2020.

A handwritten signature in black ink, reading "Ronald A. White". The signature is written in a cursive, flowing style.

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RONALD A. WHITE  
UNITED STATES DISTRICT JUDGE